

SEP 13 2006

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10,129REMARKS

Claims 1, 9, 10, 13-20 and 22 are pending. The Examiner rejected claims 1, 9, 13-18, 20 and 22. The Examiner further objected to claims 10 and 19 as being dependent upon a rejected base claim, but indicated these claims would be allowable if rewritten in independent form. For the reasons stated below, Applicant believes all currently pending claims to be in condition for allowance.

The Examiner rejected claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Montes* in view of *DeWitt*. The Examiner recognized that *Montes* fails to teach two flexible snap-fit connectors each connecting mating connectors in a direction transverse to each other. [Non-Final Office Action (6-13-06), p.2]. Instead, the Examiner contends that this missing feature is shown by *DeWitt*. However, combining the two references would still fail to show two snap-fit connectors on the same panel unit. Nowhere in the prior art cited are there two such snap-fit connectors or, for that matter, such snap-fit connectors arranged to engage mating connectors along different directions. Accordingly, the cited combination fails to show all the limitations of claim 1.

Additionally, even assuming the combination of references taught each of the limitations of claim 1, there is no motivation to make the combination. The Examiner contends that such motivation is implied, indicating one of ordinary skill in the art would want to increase the ways in which the panels can be attached to other panels to form a structure. [Non-Final Office Action (6-13-06), page 2]. The Examiner fails to cite where in the prior art generally such motivation is provided. Applicant requests proof of this assertion.

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Indeed, *DeWitt* teaches away from its combination with *Montes*. In this regard,

DeWitt states as follows:

Heretofore, cooler panels were typically formed of foam polystyrene blocks that were encased within aluminum casings. The foam polystyrene provided good thermal insulation while the aluminum casing provided the structural support and impact resistance necessary for the panels to function as wall elements. According to the present invention the need for aluminum or other metal type cases has been eliminated. Instead, an integral plastic cooler panel is provided that possesses sound structural and thermal insulating qualities that may be interconnected to form cooler walls.

[*DeWitt*, column 2, ll. 58-68]. However, it is precisely the metal skin taught away by *DeWitt*, which is required for the resilient connection of *Montes* as shown in Figure 1 of *Montes*. Thus, *DeWitt* teaches away from its combination with *Montes* because it teaches against the use of a metal skin that forms the resilient connection of *Montes*. Moreover, combining *DeWitt* with *Montes* would defeat an object of *DeWitt*, the elimination of metal cases. Accordingly, claims 1 and 9 are allowable over *Montes* in view of *DeWitt*.

The Examiner further rejected claims 1, 9, 13-16 and 18 under 35 U.S.C. §103(a) as being unpatentable over *DeWitt* in view of *Montes*. Again, the combination of references does not teach two snap-fit connectors receiving mating connectors in two different directions. Also, *DeWitt* teaches away from its combination with *Montes* as shown above. The Examiner further adds that the flexible snap-fit connector of *Montes* is functionally equivalent to the tongue in groove connector of *DeWitt*. Again, using the metal flexible snap-fit connectors of *Montes* runs contrary to an object of *DeWitt* (i.e., elimination of the need for aluminum or other metal type case as expressly stated by *DeWitt*). [*DeWitt*, column 2, ll. 63-65]. The Examiner also states without basis that the flexible snap-fit connector of *Montes* would provide a more secure attachment. However, there is no such proof of such a benefit. Indeed, one could also equally imagine that the

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resilient snap-fit connection between panels could be less secure than the latch connection described by *DeWitt*. [Column 1, ll. 17-20]. Therefore, these claims are in condition for allowance.

The Examiner rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over *DeWitt* in view of *Montes* and *Anderson*. For the same reasons that the combination of *DeWitt* in view of *Montes* is improper as stated above, it is equally improper in the rejection of claim 17. Therefore, claim 17 is in condition for allowance.

The Examiner next rejects claims 1, 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over *Montes* in view of *Edgar*. Again, the combination of references fails to teach two snap-fit connectors, each accepting a mating connector in a direction transverse to the other. Furthermore, *Edgar* deals with constructing a building, such as shelters, hut, camps and other structures normally made primarily from wood. [*Edgar*, column 1, ll. 9-11]. *Edgar* is not even remotely related to the construction of a refrigeration cooler and is non-analogous art. Furthermore, the motivation proffered by the Examiner is unsupported. Applicant requests such support. Also, *Edgar* teaches away from its combination with a snap-fit connector because it employs nails or screws to connect the panels together, which is consistent with a wood structure. [*Edgar*, column 3, ll. 70-72]. Accordingly, the rejection of *Montes* in view of *Edgar* is improper. Claims 1, 9 and 20 are therefore in condition for allowance.

The Examiner further rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over *Montes* in view of *Edgar* as applied to claims 1, 9 and 20 and further in view of *DeWitt*. The combination of these references is deficient for the very same

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reasons stated above. Both *Edgar* and *DeWitt* teach away from their combination with *Montes*. Accordingly, claim 22 is allowable over these cited references.

For the foregoing reasons, Applicant requests allowance of claims 1, 9, 10, 13-20 and 22.

Respectfully submitted,

CARLSON, GASKEY & OLDS

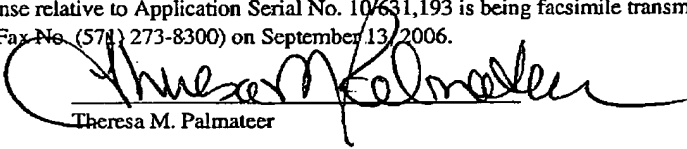
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CERTIFICATE OF FACSIMILE

I hereby certify that this Response relative to Application Serial No. 10/631,193 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on September 13, 2006.


Theresa M. Palmateer

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